REMARKS

The present Amendment amends claims 1 and 7, leaves claims 2 and 8 unchanged, and cancels claim 9. Therefore, the present application has pending claims 1, 2, 7, and 8.

Information Disclosure Statement

Applicants filed Information Under 37 CFR 1.56(a) and copies of the references and abstracts listed thereon concurrently with the application on August 6, 2003. However, Applicant has not received an initialed copy of the Information Under 37 CFR 1.56(a) from the Examiner acknowledging his consideration of the references. Applicant respectfully requests that the Examiner include an initialed Information Under 37 CFR 1.56(a) with the next Patent Office communication. A copy of the Information Under 37 CFR 1.56(a) filed on August 6, 2003 is attached for the Examiner's convenience.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include reference characters not mentioned in the description. Applicants have amended the specification to include reference characters 1321, 1413, 1416, 1417, and 1502. Therefore, this objection should be withdrawn.

Specification

The specification has been amended to include reference characters and to correct other minor errors. The amendments to the specification do not include any new matter.

35 USC §112 Rejections

Claims 1 and 2 stand rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicants amended claim 1 to bring it into conformity with the requirements of 35 USC §112, second paragraph. Therefore, reconsideration and withdrawal of the rejection of claims 1 and 2 under 35 USC §112, second paragraph are respectfully requested.

35 USC §102 Rejections

Claims 1 and 7-9 stand rejected under 35 USC §102(a) as being anticipated by U.S. Patent Application Publication No. 2002/0083169 to Aki, et al. ("Aki"). As indicated above, claim 9 was canceled. Therefore, this rejection is rendered moot. With respect to the rejection of the remaining claims 1, 7 and 8, this rejection is traversed for the following reasons. Applicants submit that the features of the present invention, as now more clearly recited in claims 1, 7 and 8, are not taught or suggested by Aki, whether taken individually or in combination with any of the other references or record. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

Amendments were made to the claims so as to more clearly describe features of the present invention. Specifically amendments were made to the claims in order to more clearly describe that the present invention is directed to a performance information monitoring method using computers, as recited, for example, in independent claims 1 and 7.

The present invention, as recited in claim 1, and as similarly recited in claim 7, provides a performance information monitoring method using computers. As recited in claim 1, a first computer accepts information about a group to which the first computer belongs. The first computer stores the accepted group information in a storage of the first computer and accepts performance information from a second computer. In addition, the first computer compares the performance information accepted from the second computer with previously stored performance information of the second computer. Based on the result of the comparison, the first computer judges whether or not the second computer is included in the information of the group when a change in the performance information is found. The first computer also transmits an instruction to the computer included in the group information to change a performance information collection interval according to the judgment result. In the performance information monitoring method of the present invention, as recited in claims 1 and 7, the performance information is monitored to detect an event of an input or output to or from a storage. When a number of events of the detected input or output to or from the storage exceed a threshold value, the instruction is made to shorten the performance information collection interval. The prior art does not disclose all of these features.

The above described features of the present invention, as now more clearly recited in the claims, are not taught or suggested by any of the references of record, particularly Aki, whether taken individually or in combination with each other.

Aki discloses a network monitoring system that monitors activities on a network with optimal coverage and frequency, depending on the current state of the network. However, there is not teaching or suggestion in Aki of the performance information monitoring method of the present invention, as recited in the claims.

The network monitoring system of Aki includes a predefined set of rules or conditions, or a "monitoring policy." A monitoring policy setting unit sets a specific monitoring policy that includes which object to watch, which item of that object to monitor, and how frequent the monitoring should be. A monitoring unit carries out monitoring of the network, according to the policy. The monitoring result is passed to a monitoring policy changing unit that changes the current monitoring policy being set in the monitoring policy setting unit. A resource setup changing unit may also reconfigure some related resources on the network according to the reported monitoring result. An event detector detects the occurrence of a particular event in the network resources and notifies the monitoring policy changing unit of the occurrence so that the monitoring policy will be changed accordingly.

In the present invention, the performance information is monitored to detect an event of an input or output to or from a storage, and an instruction is made to shorten the performance information collection interval when a number of events of the detected input or output to or from the storage exceeds a prescribed threshold value (see generally, Fig. 8 and the accompanying text). Aki does not disclose this feature. The Examiner cites paragraphs [0030], [0052], and [0054] to support the assertion that Aki discloses this feature (i.e., with regard to canceled claim 9).

Contrary to the Examiner's assertions, Aki does not disclose the claimed features. As described in paragraph [0030], Aki discloses that its monitoring system monitors a response time of the web server to the web client at a predetermined interval (e.g., every ten minutes). If, for example, the result report indicates a decreased service level of the web server, the monitoring policy changing unit expands the scope of the monitoring unit in an attempt to locate the cause of the problem. In addition, the monitoring interval is reduced to collect more information about the network, so that the network monitoring system will be able to analyze the situation in greater detail to investigate the cause of the low service-level problem. Paragraphs [0052] and [0054] describe entries in the table of Fig. 8. More specifically, Aki discloses the classification of response times into four different grades, and for each grade, a database gives an applicable range of response times, monitoring conditions, and other information. In addition, Aki discloses various rules to be followed under certain conditions. For example, the service level should be graded "lowest" when the response time between the web server and web client is longer than fifteen seconds. None of these discloses features is the same as monitoring performance information to detect an event of input or output to or from a storage, and issuing an instruction to shorten the performance information collection interval when a number of events of the detected input or output to or from the storage exceeds a prescribed threshold. In this way, Aki does not disclose shortening the performance collection interval when a threshold is exceeded, as claimed.

Therefore, Aki fails to teach or suggest "<u>wherein said performance information is monitored to detect an event of an input or output to or from a storage, and said instruction is made to shorten the performance information collection interval when a number of events of the detected input or output to or from the storage exceed a prescribed threshold value</u>" as recited in claim 1, and as similarly recited in claim 7.

Therefore, Aki fails to teach or suggest the features of the present invention as now more clearly recited in the claims. Accordingly, reconsideration and withdrawal of the 35 USC §102(a) rejection of claims 1, 7 and 8 are respectfully requested.

<u>35 USC §103 Rejections</u>

Claim 2 stand rejected under 35 USC §103(a) as being unpatentable over Aki in view of U.S. Patent Application Publication No. 2003/0204789 to Peebles, et al. ("Peebles"). Applicants submit that claim 2 is dependent on claim 1, and therefore, is patentable for at least the same reason discussed previously regarding independent claim 1.

The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the references used in the rejection of claims 1, 2, 7 and 8.

In view of the foregoing amendments and remarks, Applicants submit that claims 1, 2, 7 and 8 are in condition for allowance. Accordingly, early allowance of claims 1, 2, 7 and 8 is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly, Stanger, Malur & Brundidge, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. 500.43007X00).

Respectfully submitted,

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